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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,613	08/31/1999	TAZWELL L. ANDERSON JR.	011997-1020	1602

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EXAMINER
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VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/386,613

Applicant(s)

ANDERSON ET AL.

Examiner

Ngoc K. Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2 and 4-6</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

1. Claim 11 objected to because of the following informalities: it seems the limitation "said event is an auto race" not "an audio race" in line 1 of claim 11. Appropriate correction is required. Appropriate correction is required.
2. Claims 13, 14 and 16 are objected to because of the following informalities: claims 13, 14, and 16 recite the method of claim 11. However, claim 11 recites the system of claim 8. Claims 13, 14, and 16 seem to be dependent on claim 12 since they recite "the method" limitations. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson et al. (US 5,696,521 A) in view of Vancelette (US 5,894,320 A) and further in view of Urella et al. (US 5,138,722 A).

Regarding claim 8, Robinson discloses an audio/video system for providing audio and video signals, comprising:

a video means (36) for receiving one video signal and for producing images defined by said one video signal (receiving video signal via cable 42 and producing the images defined by the video signal to LCD 40 - see col. 7, lines 35-48; col. 5, lines 24-28; and figure 4);

a head mount (10) coupled to said video means such that said images are visible to a user when said head mount is engaged with said user's head (see col. 7, lines 35-45 and figures 2-3 and 5);

an audio means (22) for receiving one audio signal and for producing sounds defined by said one audio signal (headphone speakers 22 supply sound to the ears of the user from the received audio signal - see col. 9, lines 46-49); and

a strap (28) coupled to the audio means (22) of the head mount (10) (see col. 4, lines 56-57 and figure 1).

Robinson does not explicitly disclose a means for receiving audio and video signals associated with an event and for selecting one of said audio signals and one of said video signals based on inputs from a user.

However, Vancelette teaches that a viewer can select among a choice of available camera angles and audio feeds when viewing a program associated with a sporting event. The service provider therefore must decide which video and audio signals are transmitted to the viewer based on viewer's selection (see col. 5, lines 20-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Robinson by providing the selected video and audio signals among a choice of available camera angles and audio feeds when viewing a program associated with a sporting event as taught by Vancelette in order to provide viewer a desired video and/or audio for viewing and/or listening.

It is noted that Robinson further discloses that a user-adjustable high frequency filter may be included in the sound equipment to suppress high frequency noise which open accompanies some video programs. Robinson does not explicitly discloses a first means and a second means for reducing noise.

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However, Urella teaches a pair of ear seals 10 of a headset includes noise attenuating material 18 for each ear seal for reducing noise (see col. 3, lines 20-28 and col. 4, lines 43-47). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination teaching of Robinson and Vancelette by further including noise attenuating material for each ear seal of a headset as taught by Urella in order to provide noise attenuation.

Regarding claim 9, Robinson discloses that the strap has an adjustable length (see col. 2, lines 47-54; col. 4, lines 56-63).

Regarding claim 10, Robinson is modified by Vancelette and further modified by Urella by showing the pair of ear seals 10 wherein each includes a recess (12 – see Urella: figures 2-3), said apparatus further comprising a means for positioning the pair of seals such that said user's ears are respectively located in said recesses of said pair of seals (see Robinson: figures 1-3; and Urella: figures 2-3).

Regarding claim 11, Robinson as modified by Vancelette further discloses capturing the video and audio from camera at stadium associated with the sport event (see Vancelette: col. 6, lines 1-12; col. 5, lines 26-29). Both fail to disclose capturing the video by a camera positioned within a vehicle participating in an auto race. Official Notice is taken that recording images during operation of an automobile by a camera inside the automobile in a car race is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination system of Robinson, Vancelette and Urella by including recording video by camera located inside of automobile in order to provide the image of a particular driver during a car race.

Regarding claim 12, Robinson discloses a method, comprising the steps of:

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providing a user with a head mounted apparatus (10), said head mounted apparatus including a display device (40), and a speaker (22) (see figures 1-4);

transmitting a plurality of video and audio signals to a receiver (36) (transmitting video and audio signals to receiver 36 via cable 42 – see figure 4; col. 7, lines 35-45; col. 5, lines 25-40);

transmitting said one video signal to said display device (transmitting video signal to display device 40 via cable 44 – see figure 4; col. 5, lines 25-28; col. 7, lines 47-48);

transmitting said one audio signal to said speaker (transmitting audio signal to speaker 22 - see col. 9, lines 46-50); and mounting said head mounted apparatus on said user's head (see col. 7, lines 35-45 and figures 2-3 and 5);

Robinson does not explicitly disclose generating audio and video signals associated with an event and selecting one of said audio signals and one of said video signals, each of said video signals defining a different view of said event and each of said audio signals defining a different sound associated with said event. .

However, Vancelette teaches that a viewer can select among a choice of available camera angles and audio feeds when viewing a program associated with a sporting event. The service provider therefore must decide which video and audio signals are transmitted to the viewer based on viewer's selection (see col. 5, lines 20-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Robinson by providing the selected video and audio signals among a choice of available camera angles and audio feeds when viewing a program associated with a sporting event as taught by Vancelette in order to provide viewer a desired video and/or audio for viewing and/or listening.

It is noted that Robinson further discloses that a user-adjustable high frequency filter may be included in the sound equipment to suppress high frequency noise which open accompanies some video programs. Robinson does not explicitly disclose a first means and a second means for reducing noise.

However, Urella teaches a pair of ear seals 10 of a headset includes noise attenuating material 18 for each ear seal for reducing noise (see col. 3, lines 20-28 and col. 4, lines 43-47). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination teaching of Robinson and Vancelette by further including noise attenuating material for each ear seal of a headset as taught by Urella in order to provide noise attenuation.

Robinson is modified by Vancelette and further modified by Urella by showing the pair of ear seals 10 wherein each includes a recess (12 – see Urella: figures 2-3), positioning the pair of seals such that said user's ears are respectively located in said recesses of said pair of seals (see Robinson: figures 1-3; and Urella: figures 2-3).

Regarding claim 13, positioning step includes the step of passing a ridge formed in said apparatus through a series of slots formed in said apparatus is included in the combination teaching of Robinson, Vancelette and Urella (24 in figures 1-3 of Robinson).

Regarding claim 14 and 15, a slot defined by a wall having a series of notches, said positioning step including the step of sliding a ridge of said head mounted apparatus through said slot such that said ridge is sequentially received by said notches, further the step of deforming a portion of said head mounted apparatus defining said ridge are included in the combination teaching of Robinson, Vancelette and Urella (24 in figures 1-3 of Robinson; 3 in figure 1 of Urella).

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Regarding claim **16**, Robinson and Vancelette do not teach the event occurs attended by the user during the event. Official Notice is taken that providing audiovisual of the environment surrounding a user via a personal visual display is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination system of Robinson, Vancelette and Urella by including audiovisual of the environment surrounding a user via a personal visual display in order to provide a high quality of audiovisual of the environment surrounding the user in real-time.

Regarding claim **17**, Robinson as modified by Vancelette further discloses capturing the video and audio from camera at stadium associated with the sport event (see Vancelette: col. 6, lines 1-12; col. 5, lines 26-29). Both fail to disclose capturing the video by a camera positioned within a vehicle participating in an auto race. Official Notice is taken that recording images during operation of an automobile by a camera inside the automobile in a car race is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination system of Robinson, Vancelette and Urella by including recording video by camera located inside of automobile in order to provide the image of a particular driver during a car race.

Regarding claim **18**, Robinson as modified by Vancelette further discloses capturing the video and audio from camera at stadium associated with the sport event (see Vancelette: col. 6, lines 1-12; col. 5, lines 26-29). Both fail to disclose capturing the audio via communication by a driver of a vehicle. Official Notice is taken that recording sound inside automobile for car race is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination system of Robinson, Vancelette and Urella by recording the audio inside automobile in order to provide sound of a particular driver during operation of automobile of the car race.



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***Allowable Subject Matter***

5. Claims 1-7 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

The closest prior arts, Robinson (US 5,696,521 A) discloses a video header for presenting video images and sound to a user. Vancelette (US 5,894,320 A) discloses allowing the user to select among a choice of available camera angles and audio feeds when viewing a sporting event. However, both fail to anticipate or render the following limitations obvious: "interface device configured to modulate said video signals and to transmit said modulated video signals; and a receiver configured to receive said modulated video signals and to receive modulated audio signals, said receiver configured to demodulate said modulated video and audio signals and to select one of said video signals and one of said audio signals based on inputs from a user".

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wang et al (US 5,742,263 A) teaches a head mounted display system for tracking the position of a user's head and a method of using the system.

Busack (US 6,020,851 A) discloses auto race monitoring system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu  
Examiner  
Art Unit 2611

March 7, 2004